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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,090	07/26/2000	Albert Henricus Franciscus de Heer	GDT1P003	8140
22204	7590	02/03/2006	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/626,090

**Applicant(s)**

FRANCISCUS DE HEER ET AL.

**Examiner**

Robert M. Pond

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                     |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                         | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/12/03;5/3/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

All pending claims 1, 3-5, 7, and 14-17 were examined in this non-final office action necessitated by new grounds of rejection.

### ***Response to Arguments***

#### **Pertaining to Rejection under 35 USC 103(a) in previous office action**

Applicant's arguments with respect to claims 1, 3-5, 7, and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1, 3-5, 7, and 14- 17 are rejected under 35 USC 103(a) as being unpatentable over iSyndicate (a collection of articles cited in PTO-892, Items: U and V) in view of CNET Services (a collection of articles cited in PTO-892, Items: W-VV).**

iSyndicate teaches an affiliate web site choosing iSyndicate's content web site (www.iSyndicate.com) as its source for brand-name dynamic content and news delivery to its web site for distribution to online users. iSyndicate teaches brand name companies, such as CNET and Reuters, as sources of the dynamic content and news to iSyndicate (U: see pages 1 and 2). iSyndicate further teaches

- Receiving a customer profile that specifies one or more of the plurality of products for which product data is to be transmitted to the customer for use in generating an electronic catalog; storing profile: an iSyndicate web site affiliate (hereinafter referred to as "customer") customizes its desired content from iSyndicate by using iSyndicate's editor that provides content preview, selection, and pre-set templates, and further provides an advanced editor to customize the content and look of the customer's home page (U: see at least page 2; V: see page 1); Customer integrates content into its web site by framing or linking to selected content pages served by iSyndicate (V: see pages 1); when a visitor to a customer's web site clicks on a link, the actual content article is served from either iSyndicate's server or the iSyndicate partner's server (i.e. based on stored customer profile) (V: see page 1). Please note examiner's interpretation: content format selected by iSyndicate customer defines a customer profile used by iSyndicate or its partners to determine which content will be passed to the customer site (U: see page 1; V: page 2).

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- Instructions: please note: customer profile as noted above provides instructions to content sources as to what content is desired.

iSyndicate teaches all the above as noted under the 103(a) rejection and teaches a) receiving content from a plurality of online content providers, b) CNET being a content provider to iSyndicate, iSyndicate customer receiving content updates, if selected by the customer, from various CNET services, c) integrating news and content sources of their choice quickly and easily, and further teaches CNET's CNET.com, News.com and Computers.com services, but does not disclose specifics about CNET's services. CNET Services teaches Computers.com providing catalog content comprising:

- Capturing product data for a plurality of products according to a data model, the data model having one or more classes, each one of the one or more classes being defined by one or more categories, each of the one or more categories being defined by an attribute group having one or more attributes; means for capturing: Inherent in CNET services are the structures and means necessary to permit capturing a plurality of products according to a data model. For example, CNET Services teaches displaying a plurality of products (e.g. Dell Dimension XPS D233; IBM Aptiva E16) in an electronic catalog format, organized by categories (e.g. Desktops, Servers, Cameras), subcategories (e.g. Desktops- PC or MAC), with specific attributes (e.g. price, processor, processor speed, RMA, hard disk, monitor) (W: see pages 1-5).

- Storing the product data in said at least one computer readable storage medium, wherein the stored product data is suitable for use in an electronic catalog; means for storing: Inherent in CNET Services are the structures and means necessary to permit the storing of the product data in at least one computer readable storage medium. For example, CNET requires a computer server and computer readable medium for content storage and retrieval.
- Incorporating the product data into an electronic catalog; means for incorporating product data: Inherent in CNET Services are the structures and means for incorporating the product data into an electronic catalog in English. For example, CNET Services displays to a web client an electronic catalog categories, subcategories, attributes, and values in English to a web client (Item: W; see pages 1-5).
- Apparatus: Inherent in iSyndicate are the structures and means necessary for a web server receiving content requests and delivering content to client computers. For example, iSyndicate or CNET servers require at least processor, memory, data storage, internal communications, and Internet communications to perform disclosed functions.

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of iSyndicate to deliver catalog content in

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English according to a data model as taught by CNET Services, in order to integrate the data into a variety of customer sites quickly and easily, and thereby attract customers to iSyndicate's service.

iSyndicate teaches all the above as noted under the 103(a) rejection and teaches delivering customer selected content from CNET in English, but does not disclose specifics about CNET's services. CNET Services teaches all the above as noted under the 103(a) rejection and teaches CNET launching its IT news site in Hong Kong and receiving content from CNET sites in Singapore and the United States. CNET Services teaches delivering localized language CNET content to Asia (i.e. Taiwan, Malaysia, mainland China, Philippines, Thailand, and Indonesia (Item: X, pages 1 and 2). CNET Services teaches localized language content being crucial to drawing readers so the Taiwan CNET site will featuring traditional Chinese content (Item: X, page 2) and further teaches CNET.com being served to web clients in English and CNET's Download.com site in English which is to provide downloadable software titles in localized languages (Item: X, see page 3; UU: see pages 1 and 2; VV: see page 1). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of iSyndicate to offer CNET content in various languages as taught by CNET Services, in order to provide localized language content selections to attract iSyndicate customers serving visitors requiring a local language as taught by CNET Services, and thereby increase iSyndicate's content aggregation service globally.

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iSyndicate teaches all the above as noted under the 103(a) rejection but does not teach providing translation of catalog categories, attributes, and values.

CNET Services teaches all the above as noted under the 103(a) rejection and teaches CNET providing catalog content comprising categories, attributes, characteristics, and values in English (Item: W, all pages; VV: see pages 1-5).

Inherent in CNET Services are the structures and means necessary to permit providing translations of content. For example, CNET Services teaches CNET delivering content in English from its Downloads.com service organized by categories, attributes, and values and providing titles from this service in local languages (Items: X, see page 3; VV: see pages 1-5). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of iSyndicate to provide content translation of categories, attributes, and values as taught by CNET Services, in order for a visitor selecting local language electronic catalog content from an iSyndicate customer to understand the content, and thereby attract iSyndicate customers to the iSyndicate service.

*Pertaining to apparatus claims 15 and 16*

Rejection of claims 15 and 16 is based on the same rationale as noted above.

*Pertaining to computer readable medium claim 17*

Rejection of claim 17 is based on the same rationale as noted above.



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond  
Primary Examiner  
February 2, 2006